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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/563,190	01/03/2006	Otto Baumann	3540	6478

7590  
Striker Striker & Stenby  
103 East Neck Road  
Huntington, NY 11743

01/28/2008

EXAMINER
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TALBOT, MICHAEL

ART UNIT	PAPER NUMBER
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3722

MAIL DATE	DELIVERY MODE
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01/28/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/563,190

Applicant(s)

BAUMANN ET AL.

Examiner

Michael W. Talbot

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 January 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 January 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☒ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 1/3/06.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Specification***

1. The abstract of the disclosure is objected to because "it is not limited to a single paragraph". Correction is required. See MPEP § 608.01(b).

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

2. Abstract, line 7, delete the figure reference to "(Figure 3b)".

### ***Claim Objections***

3. Claims 10 and 11 are objected to because of the following informalities:

Claim 10 recites the limitation "the outer wall" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 11 recites the limitation "the cross section" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 1 and 9, the phrase "in particular" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Regarding claim 8, the phrase "such as" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-6 and 8-12 are rejected under 35 U.S.C. 102(b) as being anticipated by GB 233980 A. GB 233980 A shows in Figures 1-3 a fitting device (10) for a hand-guided machine tool with a tool holder (11) for receiving insertion tools (13), wherein the tool holder forms a releasable sliding fit with a drive tube (22) and is non-rotatably connected (via 39) with the drive tube. GB 233980 A further shows the tool holder being fixable axially (via 24) relative to the drive tube and the tool holder being capable of being connected with the drive tube around its outer diameter (defined as outer diameter of tool holder). GB 233980 A further shows the tool

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holder being capable of being secured axially within the drive tube with at least one locking element (24) that is accessible from an outer side of the drive tube, wherein the at least one locking element is captively contained on the outer diameter of the drive tube (Figs. 1-3). GB 233980 A further shows a guide diameter of the tool holder (outer surface) is located inside a transmission of the machine tool such that it is essentially protected from dust. GB 233980 A further shows at least one bore hole (groove) provided in an outer wall for receiving at least one locking element (24) in the installed state. GB 233980 A further shows a cross section being designed to be non-rotatable (via entrainment ribs within bore 25 as shown in Figs. 1-3).

Regarding claims 9 and 12, GB 233980 A shows means (groove receiving 24) are provided in its outer wall to bring about an axial and/or radial fastening in the installed state. GB 233980 A further shows wherein means for clamping in the installed state (via elements located directly above locking bodies 24) and/or sealing means are provided on the outer wall.

8. Claims 1-4 and 7-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Baumann et al. (US 6,536,780). Baumann et al. '780 shows in Figures 1-3 a fitting device (12) for a hand-guided machine tool with a tool holder (14) for receiving insertion tools, wherein the tool holder forms a releasable sliding fit with a drive tube (110) and is non-rotatably connected (via 30,100) with the drive tube. Baumann et al. '780 further shows the tool holder being fixable axially (via 18,42,44,82) relative to the drive tube and the tool holder being capable of being connected with the drive tube around its outer diameter (defined as outer diameter of drive tube). Baumann et al. '780 further shows the tool holder enclosing the drive tube. Baumann et al. '780 further shows a guide diameter of the tool holder (inner surface) is located inside a transmission of the machine tool such that it is essentially protected from dust. Baumann et al. '780 further shows at least one bore hole (82) provided in an outer wall for receiving at least one

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locking element (18) in the installed state. Baumann et al. '780 further shows a cross section being designed to be non-rotatable (via entrainment ribs within bore 116 as shown in Figs. 1-3).

Regarding claims 9 and 12, Baumann et al. '780 shows means (groove 82) are provided in its outer wall to bring about an axial and/or radial fastening in the installed state. Baumann et al. '780 further shows wherein means for clamping in the installed state (via 20,22) and/or sealing means are provided on the outer wall.

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

10. Any inquiry concerning the content of this communication from the examiner should be directed to Michael W. Talbot, whose telephone number is 571-272-4481. The examiner's office hours are typically 8:30am until 5:00pm, Monday through Friday. The examiner's supervisor, Mrs. Monica S. Carter, may be reached at 571-272-4475.

In order to reduce pendency and avoid potential delays, group 3720 is encouraging FAXing of responses to Office Actions directly into the Group at FAX number 571-273-8300. This practice may be used for filling papers not requiring a fee. It may also be used for filing papers, which require a fee, by applicants who authorize charges to a USPTO deposit account. Please identify Examiner Michael W. Talbot of Art Unit 3722 at the top of your cover sheet.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you

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would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



MWT  
Examiner  
16 January 2008

*Monica S. Carter*  
MONICA CARTER  
SUPERVISORY PATENT EXAMINER